

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

Guardianship Petition No.105 of 2006

Mrs.Phool Jahan Bakshis Khan. ... Petitioner

Mr.S.H.Mishra for petitioner.

CORAM : SMT.R.S. DALVI, J.

DATED : 14th March, 2007

P.C. :

1. The Petitioner is the mother of five children, four of whom are minors. The Petitioner's husband who was the natural and legal guardian of the children has expired. His Death Certificate is produced.

2. The Petitioner has also produced the Birth date certificate of two minor children and the School Leaving Certificate of two other minor children. The children are born in Sultanpur, Uttar Pradesh. They live in Mumbai along with the Petitioner. The death dues of the husband of the Petitioner are required to be paid by the Employees Provident Fund Organization. They are payable to the Petitioner and her 5 children.

3. The Petitioner has, however, not shown one of her children Rummana as her minor child in the

Petition. The Petitioner is given liberty to amend the Petition to show Rummana also as her minor child under the provisions of the Guardians and Wards Act, 1890.

4. The Petition is made absolute in terms of prayer (b). The Petitioner is declared as guardian of her four minor children Summana, Mohim, Rizvana and Rummana.

5. The Employees Provident Fund Organization shall disburse the settlement dues of the provident fund as well as the family provident fund of the deceased husband of the Petitioner in the name of the Accounts Officer, High Court, Bombay.

6. The Accounts Officer shall invest 2/3rd of the said amount in the joint names of the aforesaid four minor children. The Accounts Officer shall issue cheques in the names of the Petitioner as well as her major child in respect of 1/3rd of the dues equally.

7. The amount shall be invested in an FDR of any Nationalized Bank, initially for a period of 37 months. It shall be re-invested from time to

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time until all the four children attain the majority. The Petitioner shall be allowed to withdraw the interest that accrues due on the said investment of 2/3rd of the amount disbursed by the Employees Provident Fund Organization for the maintenance of the four minor children.

(Smt.R.S. Dalvi, J.)